



**TOWN COUNCIL**  
**Special Meeting**  
May 14, 2020  
Cape Charles Civic Center  
via Electronic Communications  
6:00 PM

1. Introduction by Mayor Dize
  
2. Call to Order
  - A. Roll Call
  - B. Establish quorum
  
3. Public Comments re: Agenda Items Only (accepted via email to [clerk@capecharles.org](mailto:clerk@capecharles.org) during the meeting)
  
4. Special Meeting Order of Business:
  - \*A. Discussion re: Re-Opening the Town
  - \*B. Rescission of Ordinance 20200416 Temporarily Closing Short-Term Rental Operations
  
5. Adjournment

## May 14, 2020 Town Council Special Meeting

### Item 1 – Introduction to Meeting by Mayor Dize

- This special meeting of the Town Council is being held electronically as provided under Code of Virginia Section 2.2-3708.2 Subsection A.3 which permits public bodies to meet by electronic communications without a quorum physically assembled at one location since, on March 12, 2020, Governor Northam declared a state of emergency for the Commonwealth of Virginia arising from the novel Coronavirus (COVID-19) pandemic.
- The purpose of this meeting is to discuss the possibility of re-opening the Town for business and rescission of Ordinance 20200416.
- An audio recording is being made of this meeting. This meeting is also being live-streamed on Facebook, as well as being video-taped for viewing from the Town's website after processing.
- Public comments will be accepted this evening via Facebook Live and emails to [clerk@capecharles.org](mailto:clerk@capecharles.org). Comments were also solicited to be emailed to the Clerk prior to the meeting.
- All votes taken this evening will be by roll call vote and recorded in the minutes.
- Any Council members who leave the meeting or arrive after start of the meeting must verbally note their attendance.
- Only essential business of the Town of Cape Charles can be done in this manner.
- These procedures will remain in effect until the COVID-19 crisis has been alleviated.
- Do any of the Council members have any questions about this process?

 <b>TOWN OF CAPE CHARLES</b>	<b>AGENDA TITLE:</b> Discussion: Re-opening the Town		<b>AGENDA DATE</b> May 14, 2020
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Provide direction and set policy regarding re-opening the Town following COVID-19 restrictions		<b>ITEM NUMBER:</b> 4A
	<b>ATTACHMENTS:</b> N/A		<b>FOR COUNCIL:</b> Action (X#4A) Information ( )
	<b>STAFF CONTACT (s):</b> John Hozey, Town Manager	<b>REVIEWED BY:</b> John Hozey, Town Manager	

**BACKGROUND:**

The Coronavirus (COVID-19) pandemic has had unprecedented impacts on our lives and Town over the past two months. It has created many hardships for our residents and businesses and has posed a serious public health risk to all. The following is a brief summary of major actions taken:

- March 12 – The Town implemented Phase 1 of its Incident Operations Plan
- March 19 – The Town implemented Phase 2 of its Incident Operations Plan
- March 23 – Governor Northam issued Executive Order 53; restricting business operations
- March 30 – Governor Northam issued Executive Order 55; stay-at-home order
- March 30 – Town Council adopted a declaration of local emergency
- April 8 – Town Council adopted Ordinances deferring BPOL tax and certain fees
- April 16 – Town Council adopted an Ordinance temporarily closing short-term rentals
- May 8 – Governor Northam issued Executive Order 61; Initiating Phase 1 recovery for VA

The Commonwealth of Virginia does not delegate broad authority to its local governments. Local governments can only exercise authority granted by the General Assembly or as specifically authorized by Executive Order in times of emergency. This limited what the Town was able to do in response to the COVID-19 situation. However, the Mayor, Town Council and town manager took every action prudent to help protect public health.

While it was impossible to stop all non-resident traffic coming to Town, the actions taken by the Town during this emergency has resulted in significantly fewer non-residents in Town than would have otherwise been the case for this time of year. This large reduction in traffic, along with closing most public facilities and events, served to help mitigate the threat of COVID-19 transmission within Cape Charles.

**ITEM SPECIFICS:**

Now that the Governor has begun a phased plan to restore the Commonwealth to normalcy, the Town must also have those discussions. The fact that the Governor began this process would indicate that data is trending in a positive direction. So while this does not mean the threat is over, it does present an opportunity to begin positioning ourselves toward life after COVID-19.

There are any number of specific items that would be ripe for discussion at this time; cessation of the short-term rental closure, the opening of public facilities, or ending the emergency meeting procedures for the Council and its Boards/Commissions. However, the primary policy matter that will tend to drive most other specific decisions really boils down to this:

Is Cape Charles ready to welcome back visitors, or does Cape Charles still want visitors to stay away?

How that question is answered will determine what staff needs to do (or not do) to achieve the objective.

Council is therefore requested to discuss this question first.

**RECOMMENDATION:**

As a practical matter, and as noted above, the Town has limited authority to hold off the increasing number of visitors that will continue to come as the weather gets nicer. The measures that we have been able to use to date, and which have been successful stemming the tide so far, will become increasingly less effective as the season progresses and the Governor continues to ease business restrictions. Therefore, I recommend measured and thoughtful re-opening strategies that follow recommended precautions.

 <p><b>TOWN OF CAPE CHARLES</b></p>	<b>AGENDA TITLE:</b> Rescission of Ordinance 20200416		<b>AGENDA DATE</b> May 14, 2020
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Rescission of Ordinance Temporarily Closing Short-Term Rental Operations		<b>ITEM NUMBER:</b> 4B
	<b>ATTACHMENTS:</b> Ordinance 20200514		<b>FOR COUNCIL:</b> Action (X) Information ( )
	<b>STAFF CONTACT (s):</b> John Hozey, Town Manager	<b>REVIEWED BY:</b> John Hozey, Town Manager	

**BACKGROUND:**

The Coronavirus (COVID-19) pandemic and its associated public health concerns prompted the Town Council to adopt a declaration of local emergency on March 30. As a result, the Mayor issued a formal request for all short-term rental operations to cease until state guidance eased restrictions on travel. While many of these businesses voluntarily complied, a number of irresponsible businesses continued to rent their units and profit at the expense of public safety. Therefore, on April 16 the Town Council adopted an ordinance making it a Class 3 misdemeanor to operate such rentals in Cape Charles for as long as the Governor’s executive orders remained in effect. The maximum penalty being \$500 per offense, with each day constituting a new offense.

**ITEM SPECIFICS:**

On Friday May 8, Governor Northam issued Executive Order 61, instituting Phase 1 of the Commonwealth’s recovery plan from pandemic restrictions. While this EO represented only the initial steps of recovery, it does signal trends that would warrant discussion of easing local restrictions as well. Therefore, this item is being presented for Town Council consideration and would rescind the temporary short-term rental closure ordinance for Cape Charles.

**RECOMMENDATION:**

Prior to this item on the agenda is a discussion item regarding overall strategy for re-opening the Town in the wake of the COVID-19 situation. Staff reserves its recommendation until this larger strategy is determined.

**ORDINANCE 20200514**

**AN ORDINANCE REPEALING ORDINANCE 20200416  
TEMPORARILY CLOSING SHORT-TERM RENTAL OPERATIONS IN THE  
TOWN OF CAPE CHARLES, VIRGINIA.**

**WHEREAS**, on April 16, 2020, the Council of the Town of the Cape Charles, Virginia (“Town Council”) adopted Ordinance 202000416 temporarily closing short-term rental operations in the Town of Cape Charles in order to protect the public health and safety during the coronavirus (COVID-19) pandemic; and

**WHEREAS**, on May 8, 2020, the Governor of the Commonwealth of Virginia issued Executive Order Sixty-One, which provides for the phased reopening of businesses in Virginia, beginning with the easing of certain business restrictions on May 15, 2020; and

**WHEREAS**, in light of Executive Order Sixty-One, the Town Council finds it appropriate to repeal the Town’s restrictions on short-term rental operations, provided that the Governor’s restrictions on public and private in-person gatherings are followed and best practices are observed.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Cape Charles, Virginia, that Ordinance 20200416 adopted on April 16, 2020, is hereby repealed, effective immediately.

ADOPTED by the Council of the Town of Cape Charles, Virginia, this 14th day of May 2020.

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk